

ODGERS' AUSTRALIAN SENATE PRACTICE

SUPPLEMENT TO THE THIRTEENTH EDITION

Updates to 31 December 2014

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Introduction

This supplement updates to 31 December 2014 material in the 13th edition of *Odgers' Australian Senate Practice* which reflected developments to 31 December 2014.

The supplement is issued in printed and electronic form, and updated every six months until the next edition is published. Amendments to the text are incorporated into the ebook version, 13.3, which can be downloaded free of charge from the Senate website.

Users of the book should refer to the material in the supplement by the page and paragraph number of the text in the book (or pdf version online).

Rosemary Laing
Clerk of the Senate
January 2015

Chapter 1 – The Senate and its constitutional role

Table 1: Votes and seats in elections, 1949-2014

page 14, table, add

Election	Party	Senate			House of Representatives		
		% of vote	Seats	% of seats	% of vote	Seats	% of seats
2013/14	ALP	29.63	12	30.0	33.38	55	36.66
	LP	28.27	13	32.5	32.02	58	38.66
	NP				4.29	9	6
	LNP	8.10	3	7.5	8.92	22	14.66
	CLP	0.32	1	2.5	0.32	1	0.66
	Greens	9.23	4	10	8.65	1	0.66
	PUP	5.61	3	7.5	5.49	1	0.66
	NX Gp	1.93	1	2.5	-	-	-
	FF	1.12	1	2.5	-	-	-
	LDP	3.75	1	2.5	-	-	-
	AME	0.48	1	2.5	-	-	-
	Others	11.56	-	-	6.93	3	2

* The results for the Senate are based on the final declaration by the Australian Electoral Commission in November 2013 and, for Western Australia, the outcome of the re-election in April 2014.

Abbreviations, add

AME	Australian Motoring Enthusiast Party
CLP	Country Liberals (Northern Territory) Party
DLP	Democratic Labour Party
LDP	Liberal Democratic Party
NX Gp	Nick Xenophon Group
PUP	Palmer United Party

Table 2: Party affiliations in the Senate 1901-2014*

Page 19, table, add

Year of election	Total number of seats	Government	Non-government	Government majority	Govt minority	Party	Number of seats
2013-14	76	33	43	-	-10	Liberal ◇	27
						Labor	25
						Greens	10
						The Nationals ◇	6
						Palmer United Party‡	3
						Nick Xenophon Group	1
						Democratic Labour**	1
						Liberal Democratic	1
						Family First	1
						Australian Motoring Enthusiast	1

◇ Government party/parties

* The results for the Senate are based on the final declaration by the Australian Electoral Commission in November 2013 and, for Western Australia, the outcome of the re-election in April 2014.

** Senator Madigan was elected as a member of the Democratic Labour Party but became an independent senator on 4 September 2014.

‡ Senator Lambie was elected as a member of the Palmer United Party but became an independent senator on 24 November 2014.

Chapter 2 – Parliamentary Privilege: immunities and powers of the Senate

Subpoenas, search warrants and members

Page 60, paragraph 2

add, In two cases in 2012 in which a Senate estimates brief prepared by a department had been tendered in evidence, the Full Federal Court ordered that no regard be had to the brief and that a later affidavit containing the same data be accepted as evidence in its place. [add footnote, *Nojin v Commonwealth* (VID1110/11), *Prior v Commonwealth* (VID1111/11),

unreported, Federal Court of Australia, 5 December 2012.]

Matters constituting contempts

Page 85, last paragraph add, While not finding a contempt in the unauthorised use of the closed circuit television system in Parliament House by officers of the Department of Parliamentary Services, the committee was critical of the disregard shown by those officers for the powers, privileges and immunities of the parliament and recommended that they undertake structured training to address this deficiency. [add footnote, *160th Report on the use of CCTV material in Parliament House*, PP 429/2014.]

Should the power to deal with contempts be transferred to the courts?

Page 90, paragraph 4, end add, reaffirmed by the 2013 Report of the UK Joint Committee on Parliamentary Privilege. [add footnote, HL Paper 30, HC 100. In contrast, the 1999 Report of the UK Joint Committee on Parliamentary Privilege recommended the transfer of the Houses' penal jurisdiction in respect of non-members to the High Court, a recommendation not acted on (HL Paper 34-1, HC 214-1).]

Parliamentary precincts

Page 98, after paragraph 3 add footnote, For useful clarification of the status of administrative actions taken under the Precincts Act, see Committee of Privileges, *160th Report (The use of CCTV material in Parliament House)*, PP 429/2014, paragraphs 3.12 to 3.16.

Chapter 3 – Publications of Senate proceedings

Broadcasting of proceedings

Page 101, paragraph 6, end add, and on the internet.

Page 101, penultimate paragraph

replace last sentence, All of the foregoing provisions were consolidated into a set of broadcasting orders first passed on 13 February 1997, and again on 11 December 2013 to incorporate the broadcasting of proceedings on the internet and use of archived audio visual material accessible through the Parliament of Australia website.

Page 102, paragraph 1 first sentence, after “system”, insert “and on the internet”.

Delete third sentence.

Page 104, paragraph 3, end add, The republication of extracts of Hansard, including by electronic link, is covered by qualified privilege. In 2013, the Procedure Committee considered a proposal to provide additional protection to the republication of Hansard extracts. The committee concluded that this would involve a significant change to the law which should not be undertaken without further analysis. [add footnote, Procedure Committee, Second report of 2013, PP 474/2013]

Chapter 4 – Elections for the Senate

Counting the vote

Page 124, paragraph 4 delete, “and also the National Tally Room in Canberra”

delete, “Proposals to discontinue the National Tally Room have not yet eventuated.”

Page 124, after paragraph 5 insert, After the 2013 election, during the course of a recount of the Western Australian Senate vote, it was discovered that 1370 ballot papers had been lost. An official inquiry failed to locate the papers or identify the circumstances of the loss. Given the closeness of the results and the different outcome from the recount, the AEC itself lodged a petition with the High Court sitting as the Court of Disputed Returns asking for the election result to be declared void. Two other parties lodged similar petitions. The Court declared the election void, holding that it was precluded by the *Commonwealth Electoral Act 1918* from reconstructing the result from earlier records of the lost ballot papers, the loss of which, combined with the closeness of the count inevitably affected the result. The election was held again on 5 April 2014, with a date for the return of the writs that allowed all elected or re-elected senators to begin their terms on 1 July 2014. [add footnote, *Australian Electoral Commission v Johnston & Ors, Mead v Johnston & Ors, Wang v Johnston & Ors* [2014] HCA 5.]

Recounts

Page 127, paragraph 4, end add, A recount last occurred in 2013 after the result of the count in Western Australia was so close as to raise questions about the safety of the original result. The election was ultimately declared void.

Casual vacancies

Page 131, paragraph (f) after “facsimile”, insert “or other electronic means”.

Page 131, last paragraph, sentence beginning “Had he resigned” to end of paragraph (p132).

replace, The interesting questions that would have arisen had he resigned before the end of his term were deferred till 2013 when Senator Bob Carr resigned, having just been elected to a new term starting on 1 July 2014. He submitted what was in effect a “double resignation”, resigning both from his place in respect of his term ending on 30 June and also in respect of his new term commencing on 1 July. Notification of both vacancies was provided to the Governor of NSW by the President of the Senate pursuant to section 21 of the Constitution.

Method of filling casual vacancies

Page 134, after paragraph 1 insert, The “double resignation” of Senator Bob Carr in 2013 created interesting questions for the Parliament of New South Wales in choosing a replacement. Senator Carr’s party nominated one person to fill both the remainder of his current term and the new term to which he had been elected, but the Parliament, after considering advice from the Crown Solicitor, determined that it could fill the current vacancy only and could not act prospectively to fill a future vacancy. The advice was tabled in the New South Wales Legislative Council on 12 November 2013.

With the NSW Houses not scheduled to sit between 17 June and 12 August 2014, further advice was sought from the NSW Crown Solicitor about whether an appointment could be made by the Governor and whether a resolution of the Senate encouraging the NSW Parliament to fill the vacancy could somehow act as a “trigger” for the Houses to meet and fill the vacancy. Not surprisingly (NSW having always taken a strict

view of when a governor's appointment could be made) the advice on both questions was negative. In any case, the Senate did not contemplate such a resolution. However, the NSW Houses resolved to meet on 2 July 2014 and again chose Senator O'Neill to fill the second vacancy created by the resignation of Senator Bob Carr. For the avoidance of doubt, the President, on 1 July 2014, reminded the NSW Governor of his earlier notification of the vacancy existing from that date.

Delay in filling casual vacancies

Page 136, footnote, 56 add, For a vacancy filled by a state governor, see the case of Senator Tierney (NSW) 1991. For earlier precedents, see ASP, 6th edition, pp. 149-50.

Page 136, penultimate paragraph, end

add a footnote, after "principle": For particularly expeditious filling of casual vacancies, see the cases of Senators Smith (WA), Thorp and Whish-Wilson (Tas) in 2012.

Chapter 5 – Officers of the Senate: parliamentary administration

The President of the Senate

Page 140, paragraph 1 end add, Since 1986, Presidents have introduced other bills of an administrative character (see Appendix 5).

Page 140, paragraph 5, end add, and the Parliamentary Budget Office established in 2012.

Senate's appropriations and staffing

Page 154, penultimate paragraph, end

add, The committee persisted and the remaining new policy proposals were agreed to for the 2013-14 budget, together with additional funding for a new joint select committee to be supported by the Senate Department. At the same time, the President and the Minister for Finance agreed on a process for consultation on the budget and for the minister to have carriage of the department's budget through the Cabinet approval process on behalf of the President. [add footnote, 55th report, Estimates for the Department of the Senate 2013-14, Transfer of information and communication technology services, Budgetary milestones, PP 116/2013].

Page 155, after paragraph 4

insert, In 2012, after an external review of information and communication technology services to the Parliament, these services were consolidated in the joint department under a governance structure that included the Appropriations and Staffing committee and the equivalent committee of the House of Representatives meeting jointly in an oversight role. On the recommendation of the committee in its 54th report, standing order 19 was amended to authorise the committee to consider the administration and funding of ICT services for the Parliament and to meet jointly with a similar committee of the House for that purpose. [add footnote, 54th report, A governance structure for Parliamentary ICT services, PP 446/2012; adopted 27/11/2012, J.3418-9.]

Other Departments

Page 156, second dot point under DPS

omit “information systems support,” substitute “information and communication technology services”.

Chapter 6 - Senators

Distinguished visitors

Page 175, last sentence after “Prime Ministers” insert, “or Presidents”; add, India.

Page 175, footnote 75, end add, ; 29/10/2014, J.1680.

Page 175 at end of chapter, add new paragraph.

Seats for visiting members of the House of Representatives are made available behind the bar of the Senate. [add footnote, 18/5/1993, J.164; 24/9/2014, J.1492.] It is not in order for visitors to approach members in their seats. [add footnote, 18/6/2014, J.900.]

Chapter 7 – Meetings of the Senate

Page 187, footnote, 24, end add, This has been modified by temporary orders; see 12/3/2013, J.3714-5, readopted 12/11/2013, J.21; 24/9/2014, J.1491.

Chapter 8 – Conduct of proceedings

Routine of business

Pages 198-200 For changes to the routine of business adopted as temporary orders, see Procedure Committee, *Third report of 2014*, Appendix 1, adopted 24/9/2014, J.1488-92.

Page 200, after paragraph (vii) insert, (viii) At 12.45pm, non-controversial government business only. [renumber paragraphs]

Government and general business

Page 202, paragraph 1, end add, It was re-adopted after the 2013 election notwithstanding a change of government. [Add footnote, 14/11/2013, J.128; 24/6/2014, J.975.]

Page 202, paragraph 2 omit “three”.

add, On Thursdays at 12.45pm the government business that may be transacted is specified as non-controversial government business only. This, according to the Procedure Committee, “is business that senators agree may be dealt with without divisions. It does not preclude debate and amendment of bills but it involves an understanding that divisions will not be called during the period 12.45 to 2pm.” The committee also indicated that the requirement to proceed to non-controversial business at 12.45pm did not preclude other business being conducted after such bills have been dealt with, subject to the usual consultations amongst senators and necessary motions to rearrange business. [add footnote, Procedure Committee, First report of 2012, PP 144/2012, p.2.]

Page 202, footnote 23 omit, “with no divisions before 12.30pm”.

Page 202, paragraph 6 add, Business of the Senate takes precedence until determined or until the time during which general business would otherwise take precedence over government business has expired.

Consideration of committee reports and Auditor-General's reports

Page 203, paragraph 1, first sentence and footnote 27

replace, Under standing order 62(4), currently modified by temporary orders, there is a period of one hour on Tuesday, Wednesday and Thursday for debate on committee reports and government responses then presented, with a speaking time limit of 10 minutes for each senator speaking to a report. [footnote 27, For the temporary order, see 24/9/2014, J.1489-90.]

Consideration of government documents

Page 203, paragraph 5 replace, A special time is provided on Monday, Tuesday and Wednesday for the consideration of any documents presented by ministers or the President of the Senate. Under standing order 61 and a temporary order, 30 minutes are set aside for senators to move motions to take note of one or more of such documents, and each senator may speak for not more than five minutes to such a motion. [add footnote, For the temporary order, see 24/9/2014, J.1489-90.]

Matters of public interest

Page 205, footnote 35 add, Under a temporary order agreed to on 24/9/2014, J.1492, this has been renamed Senators' statements and the individual speaking time reduced to 10 minutes.

Chapter 9 – Motions and amendments

Page 230, footnote 42 add, 27/11/14, J.1893.

Chapter 10 – Debate

Time limits on debates and speeches

- Page 243, footnote 16 replace, On Tuesdays, a total time limit of 2 hours and 10 minutes applies and senators may speak for 5 or 10 minutes. No total time limit applies on Thursdays, and senators may speak for 5, 10 or 20 minutes. (Temporary orders adopted 24/9/2014, J.1491-2.)
- Page 247, paragraph 2, end add footnote, For precedent, see 10/7/2014, J.1136-7.

Rules of debate

- Page 260, footnote, 81 add, For confirmation of this principle, see the report of the Legal and Constitutional Affairs Legislation Committee on the Courts Legislation Amendment (Judicial Complaints) Bill 2012 and Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill, tabled 14 August 2012, PP 470/2012, p.29.

Dividing the question

- Page 275, footnote, 181 add, ; SD, 19/6/2013, pp. 3349-51 (request declined on stated principle and after agreement to the closure).

Chapter 11 – Voting and divisions

Voting by voices

- Page 279, footnote 10 add, 4/12/2014, J.1982.
- Page 281, footnote 24 add, On this principle, see statement by Deputy President Marshall, 4/12/2014, J.1983.

Page 282, last paragraph,
4th sentence and footnote 36 Delete.

Free votes

Page 286, paragraph 1, list add, Marriage Amendment Bill (No. 2) 2012 (government senators only); Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples) Bill 2013 (government senators only; one Opposition senator crossed the floor).

Chapter 12 – Legislation

Initiation

Page 294, footnote 12 add, ; carbon pollution reduction scheme repeal bills 7/7/2014, J.1051-2; subsequently altered, J.1070-73.

Page 294, footnote, 13 add, ; eleven bills to repeal the carbon pollution reduction scheme 2/12/2013, J.172, each bill then dealt with separately, J.172-4; nine bills to repeal the carbon pollution reduction scheme 7/7/2014, J.1051-52, each bill then dealt with separately, J.1053-4; subsequently altered, J.1070-73.

Page 299, table add:

Sittings	Bills passed	Length of sittings in weeks	Bills passed during last 4 sitting weeks (% of bills passed)	Bills passed during last 2 sitting weeks (% of bills passed)
Jan—June 2012	112	7	95 (84.8)	60 (53.6)
July—Dec 2012	95	8	63 (66.3)	48 (50.5)
Jan—June 2013	135	7	114 (84.4)	80 (59.3)
July—Dec 2013	14	3	14 (100)	13 (92.9)
Jan—June 2014	81	7	62 (76.5)	47 (58)
July—Dec 2014	58	10	22 (37.9%)	13 (22.4%)

Reference to standing or select committee

- Page 303, after heading insert, Most bills are now referred to committees on the recommendation of the Selection of Bills Committee (see next section) but the standing orders also retain traditional methods for the reference of bills to committees during the legislative process.
- Page 303, after paragraph 3 insert, For some years the Senate has agreed to an order for the automatic referral to legislation committees of bills with substantive provisions required to commence on or before 1 July, and introduced in the House of Representatives during the two weeks when the Senate does not meet because of budget estimates hearings. The order authorises committees to report, by unanimous decision, that there are no substantive matters requiring examination. This is a practical response to maximise the time available for committees to consider time-critical bills that will require urgent consideration. [add footnote, 13/5/2010, J.3485, 12/5/2011, J.911, 9/5/2012, J.2407; 15/5/2013, J.3929.]
- Page 304, paragraph 8 omit first sentence.
- Page 304, footnote 59 add, ; illegal logging prohibition bill, 23/3/2011, J.752; human rights and anti-discrimination bill, 21/11/2012, J.3344; Australian jobs bill, 21/3/2013, J.3857. For an exposure draft of a private senator's bill referred to a committee, see Medical Services (Dying with Dignity) Bill 2014, 24/6/2014, J.976.
- Page 304, footnote 62 add, This is now little used except where it may provide a tactical option; see proceedings on the Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2], 2/9/14, J.1375-6, PIB 285.

Page 306, paragraph 3 (mid-paragraph)

insert footnote, after “received.” For examples of the Senate explicitly providing otherwise, see reference of the Building and Construction Industry (Improving Productivity) Bill 2013 and related bills, 4/12/2013, J.233 and the Fair Work (Registered Organisations) Amendment Bill 2013, 9/12/2013, J.288-9, all referred to the references committee.

Page 307, footnote 75

add, ; carbon pollution reduction scheme repeal bills 7/7/2014, J.1070-73. For suspension of SO 115(3) to allow the second reading debate to proceed on a private senator’s bill not yet reported by a committee, see Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013, 11/2/2014, J.412.

Relevance of amendments

Page 316, paragraph 2, end

An omnibus or statute revision bill dealing with multiple subjects and pieces of primary legislation provides substantive leeway for senators to move amendments. [add footnote, See proceedings on the Omnibus Repeal Day (Spring 2014) Bill 2014, 1-2/12/2014.]

Disagreement of House with Senate amendments

Page 328, footnote, 186

add, For an example of the Senate not insisting on its original amendment and proposing new amendments as an alternative, one of which, for constitutional reasons had to take the form of a request, see proceedings on the Commonwealth Inscribed Stock Amendment Bill 2013, 9/12/2013, J.271-5.

Control of bills

Page 335, after paragraph 3 insert, Similarly, after the motion to take together a package of eleven bills to repeal the carbon pollution reduction scheme had been negatived on 2 December 2013, the non-government parties then gave precedence to two of the bills ahead of the remaining bills in the group [add footnote, 2/12/2013, J.172.]

Page 335, footnote 214 add, ; 1/12/2014, J.1923-24.

Limitation of debate – urgent bills

Page 338, footnote, 237 add, For examples of amendments being withdrawn by leave, see proceedings on the Low Aromatic Fuel Bill 2012, 27/11/2012, J.3432; proceedings on the carbon tax repeal bills, 10/7/2014, J.1129.

Page 339, footnote, 240 add, ; 27/11/2012, J.3409-10.

Page 339, paragraph 3 replace first sentence, In recent times such orders have been used in preference to the procedures under standing order 142, possibly because fewer steps are required to put them in place (but this has an impact on the rights of senators to resist the procedure). Such orders are drafted to apply as if they were limitations of debate under standing order 142. When the allotted time expires, the questions necessary to determine the matter, including on any circulated amendments, are put in accordance with the standing order.

Chapter 13 – Financial legislation

Bills appropriating money

Page 367, paragraph 3, end add, There have also been occasions on which this bill has included other matters as well. Amendments to the *Commonwealth Inscribed Stock Act 1911* to raise the government's borrowing limits were included in Appropriation Bill (No. 2) for both the 2011-2012 and 2012-2013 financial years and were therefore subject to amendment by the Senate. An Opposition amendment to the 2012-2013 bill to remove the provisions raising the borrowing limit was unsuccessful. [add footnote, 25/6/2012, J.2631.]

Page 368, after paragraph 3 insert, Jurisprudence on this point was developed further in two cases brought by Queensland father, Ron Williams, against Commonwealth expenditure on the schools chaplains program. In 2012, in the case of *Williams v Commonwealth* [2012] HCA 23, the High Court held that the power of the Commonwealth government to enter into contracts (in this case for the supply of school chaplaincy services to a school in Queensland) was limited to the ordinary and well-recognised functions of government. By itself, the authority conferred by an appropriation by the Parliament under section 83 of the Constitution was insufficient, and specific parliamentary approval was required where governments wished to venture into new fields such as this. The purpose for which appropriations could be made was therefore limited by the Constitution, having particular regard to the federal character of the Constitution and the role of the Senate in preserving it. In the second case brought by Mr Williams ([2014] HCA 23), the High Court again invalidated legislation authorising payment

of funds for the program finding that it was not supported by any specific head of power in the Constitution, including the corporations power, the social services power or the executive power.

Meaning of ordinary annual services of the government

Page 373, paragraph 2, end add, but no progress was achieved before the subsequent election and change of government in 2013.

Page 373, end of section add, The matter has been considerably complicated by the legislative response to the High Court's decision in *Williams v Commonwealth* [2012] HCA 23. The *Financial Framework Legislation Amendment Act (No. 3) 2012*, introduced and passed within a week of the High Court's decision, validated the funding for the school chaplaincy program along with funding for other programs possibly affected by the decision. It also created a mechanism to authorise expenditure of a similar nature in future by regulation, thus delegating to the executive the fundamental parliamentary function of approval of appropriations. Whether this mechanism is to be regarded as satisfying paragraph (2)(a) of the consolidated resolution and thus including in the scope of ordinary annual services of the government a great variety of expenditure that would otherwise not meet that test (and so indicating it should be included in the amendable bill) has not been considered by the Senate. However, in response to a request from the Appropriations and Staffing Committee, the Regulations and Ordinances Committee monitors regulations made under the legislation, including regulations authorising expenditure of dubious constitutional validity, and reports regularly to the Senate. [add footnote, See, for example, an account of the Committee's

concerns with the Financial Management and Accountability Amendment (2014 Measures No. 6) Regulation 2014 in *Delegated Legislation Monitor* No. 15 of 2014.]

loan bills

Page 377, paragraph 4, end add, Borrowing limits were subsequently removed by the *Commonwealth Inscribed Stock Amendment Act 2013*.

Chapter 15 – Delegated legislation and disallowance

Page 416, table add

Year	Disallowable Instruments	Year	Disallowable Instruments
2011 – 2012	1850	2012 – 2013	1986
2013 – 2014	1614		

Page 436, footnote, 89 add, This tactic was also employed in 2013 but without condemnatory motions.

Chapter 16 – Committees

Committee of Privileges

Page 448, paragraph 3 replace with, The Committee of Privileges is established by standing order 18, which provides:

(1) A Committee of Privileges, consisting of 8 senators, shall be appointed at the commencement of each Parliament to inquire into and report upon matters of privilege referred to it by the Senate.

(2) The Committee shall have power to send for persons and

documents, to move from place to place and to sit during recess.

(3) The Committee shall consists of 8 senators, 4 nominated by the Leader of the government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by minority party and independent senators.

(4) The Committee shall elect as its chair a member nominated by the Leader of the Opposition in the Senate.

Page 449, before paragraph 1 insert, Before 2013, the membership of the committee was seven. It had been increased occasionally, either for the purpose of a specific inquiry [add footnote, See 49th report] or for a period of time. A temporary order agreed to in 2011, increasing membership to eight by the addition of a member nominated by minority party or independent senators was adopted as a permanent change on 2 December 2013 [add footnote, 11/10/2011, J.1581; 2/12/2013, J.161-2]

Senators' Interests Committee

Page 454, paragraph 2 add footnote, at end of first sentence, The committee was authorised by the Senate to confer with the Committee of Privileges on a reference concerning a draft code of conduct for senators; 12/9/2011, J.1413.

Selection of Bills Committee

Page 456, footnote, 51 add; 17/6/2013, J.3999, 4001, 4002.

Legislative and general purpose standing committees

Page 461, paragraph 2, end add, The allocation of departments and agencies to committees is achieved by a resolution of the Senate which is renewed at the commencement of each Parliament and varied as required.

Estimates committees

Page 469, paragraph 5, end add, although changes in administrative arrangements in 2013 led to the cross-portfolio hearings being conducted by the Finance and Public Administration Legislation Committee.

Supplementary estimates hearings

Page 473, footnote, 104 insert at the beginning, This rule was varied for the 2013 supplementary budget estimates hearings for one group of committees because of the timing of the opening of Parliament that year, 13/11/2013, J.90.

Joint committees

Page 476, list of joint standing committees

delete National Broadband Network.

add, National Disability Insurance Scheme.

Chairs and deputy chairs of committees

Page 477, footnote, 112 add, ; 2/11/2011, J.1708-10.

Substitute and participating membership

Page 480, footnote, 125 add, This arrangement continued in the following Parliament for the Joint Select Committee on Northern Australia, 2/12/2013, J.195, 4/12/2013, J.224, and, for a particular inquiry only, the Joint Standing Committee on Electoral Matters, 4/12/2013, J.232.

Power to call for persons and documents

Page 485 After last sentence, add: “The Senate may also order documents to be produced to committees.” 5/11/1992, J.2973; 9/11/1992, J.2996-7; 6/2/2013, J.3575.

Access to other committees' documents

Page 488, footnote, 152 add, In 2012, the reference of a private senator's bill relating to wind farm noise was accompanied by a proposal for the committee concerned to have access to the evidence of another legislative and general purpose standing committee which had previously conducted an inquiry into the health effects of wind farms (including in camera evidence, subject to certain safeguards). The proposal was defeated on 19/11/2012, J.3286-7.

Page 489, paragraph 4, end add, In 2012, in connection with a reference to inquire into the unauthorised disclosure of the draft final report of the Select Committee on Electricity Prices, the Committee of Privileges was given power to access relevant minutes and records of that committee which had ceased to exist. [add footnote, 21/11/2012, J.3343-4.]

Legislation

Page 493, paragraph 3 omit “2011”, substitute “subsequent years”.

Broadcasting of committee proceedings

Page 502, broadcasting order and footnote, 200

replace with:

The following conditions apply to the broadcasting of committee proceedings:

- (1) Recording and broadcasting of proceedings of a committee may occur only in accordance with the authorisation of the committee by a deliberate decision of the committee.
- (2) A committee may authorise the broadcasting of only its public proceedings.
- (3) Recording and broadcasting of a committee is not permitted during suspensions of proceedings, or following an adjournment of proceedings.
- (4) A committee may determine conditions, not inconsistent with this order, for the recording and broadcasting of its proceedings, may order that any part of its proceedings not be recorded or broadcast, and may give instructions for the observance of conditions so determined and orders so made. A committee shall report to the Senate any wilful breach of such conditions, orders or instructions.
- (5) Recording and broadcasting of proceedings of a committee shall not interfere with the conduct of those proceedings,

shall not encroach into the committee's work area, or capture documents (either in hard copy or electronic form) in the possession of committee members, witnesses or committee staff.

(6) Broadcasts of proceedings of a committee, including excerpts of committee proceedings, shall be for the purpose only of making fair and accurate reports of those proceedings, and shall not be used for:

(a) political party advertising or election campaigns; or

(b) commercial sponsorship or commercial advertising.

(7) Where a committee intends to permit the broadcasting of its proceedings, a witness who is to appear in those proceedings shall be given reasonable opportunity, before appearing in the proceedings, to object to the broadcasting of the proceedings and to state the ground of the objection. The committee shall consider any such objection, having regard to the proper protection of the witness and the public interest in the proceedings, and if the committee decides to permit broadcasting of the proceedings notwithstanding the witness' objection, the witness shall be so informed before appearing in the proceedings.

[add footnote, 11/12/2013, J.337-8. This resolution replaced an earlier one, 23/8/1990, J.237; incorporated into a consolidated order 13/2/1997, J.1447.]

Page 503, paragraph 3 (quote) and footnote, 203

Replace with:

The public proceedings of legislative and general purpose standing committees when considering estimates may be broadcast through the House Monitoring System and through the Parliament of Australia website in accordance with this order, and in accordance with any further conditions, not inconsistent with this order, determined by a committee in relation to the proceedings of that committee.

[add footnote, 11/12/2013, J.338.]

Uncompleted inquiries and a new Parliament

Page 506, footnote, 216 add, For reports presented and adopted at the commencement of the 44th Parliament, see 14/11/2013, J.140-1, 2/12/2013, J.164.

Meeting with House committees

Page 527, after paragraph 2, insert, In 2012, the Senate agreed to expand the terms of reference of the Appropriations and Staffing Committee to include the administration and funding of information and communication technology services to the Parliament when meeting jointly with a similar committee of the House of Representatives. Authority for such meetings to occur was also added. [add footnote, 27/11/2012, J.3418-9.]

Chapter 17 – Witnesses

Inquiries and witnesses

Page 530, paragraph 4, last sentence

replace, After several unsuccessful attempts to relax the order,

the Senate agreed to a resolution in 2013 expressing an expectation that the President would appear when requested by the committee.

Page 530, footnote, 7

replace, 13/11/2013, J.100. For unsuccessful attempts, see 23/6/2010, J.3684-5; 4/7/2011, J.1135; 23/8/2011, J.1358; 25/8/2011, J.1399-1400.

Witness expenses

Page 541

add, Under Privilege Resolution 2(11), the President may agree to the reimbursement of a witness's legal costs, on the recommendation of the Privileges Committee, in cases where liability to pay those costs would cause substantial hardship. [add footnote, See correspondence and advice on this issue, published by the committee in connection with its 150th Report, PP69/2012.]

Members or officers of other Houses

Page 544, paragraph 1, end

add, The Minister for Immigration and Border Protection appeared before the Legal and Constitutional Affairs References Committee in 2014 for its inquiry into a claim of public interest immunity relating to information about border protection activities.

Public servants as witnesses

Page 550, paragraph 2

A revised draft of the guidelines was provided to and published by the committee, which made extensive comments on the revised guidelines in its report. [add footnote, 153rd Report, Guidance for officers giving evidence and providing information, PP 204/2013.] The revised guidelines have yet to

be promulgated.

Chapter 18 – Documents tabled in the Senate

Orders for production of documents

Page 561, table add

Parliament	Orders	No. of orders complied with
2010-2013	53	19
2013-2014	46	7

Page 565, paragraph 2, end add, In 2013, the Commissioner of Taxation was ordered to produce to the Economics References Committee data on revenue collected from the minerals resource rent tax. The order followed an explanation from the responsible minister that the information could not be provided to the minister for tabling in the Senate because of confidentiality provisions in the *Taxation Administration Act 1953* which explicitly modified parliamentary privilege for this purpose. [add footnote, See Chapter 2, under Parliamentary privilege and statutory secrecy provisions.] There was no restriction on the provision of information to a committee and the Commissioner of Taxation was duly ordered to provide the information to the committee which then published it. [add footnote, 6/2/2013, J.3575.]

Resistance by government to orders

Page 567, third paragraph, last sentence

omit “The motion was passed and”, substitute “Although the motion was negated,”.

Page 567, footnote, 62 replace, 16/5/1991, J.1049-51; 28/5/1991, J.1053.

Chapter 19 – Relations with the executive government

The Governor-General and the Senate

Page 580, footnote, 2 add, The Governor-General did not attend the Senate on 14/8/2007 to announce the resignation of Senator Calvert as President. The announcement was made by the Clerk and the Senate then elected a new President. Senator Calvert remained in the Senate till 29/8/2007.

Page 581, paragraph 5, end add, In 2012, in correspondence to the Chair of the Finance and Public Administration Legislation Committee responding to matters raised at supplementary budget estimates hearings that year, the Leader of the Government in the Senate suggested that it would be more appropriate for information concerning the administration of the Australian honours system to be sought by means of an address to the Governor-General, since the honours system was established by royal prerogative. [add footnote, Also see below under Statutory authorities and public interest immunity.]

Ministerial accountability and censure motions

Page 589, n. 49 Add: 26/2/2014, p. 325 (the Opposition Defence spokesperson was Senator Conroy).

Page 595, footnote, 95 add, 25/2/2013, J.3625-6.

Claims by the executive of public interest immunity

Page 597, paragraph 2, end add, It was also canvassed during an inquiry by the Legal and Constitutional Affairs References Committee in 2014 into a claim of public interest immunity raised over documents relating to the Government's border protection activities. [add footnote, see advice and evidence to the committee by the Clerk of the Senate, and evidence by the Clerk of the NSW Legislative Council.]

Later cases in the Senate

Page 622, footnote, 181 (advice voluntarily disclosed when it suits a government's position)

replace, For example, 28/2/1984, J.651; 31/8/1988, J.908; 6/12/1988, J.1249; 15/12/1988, J.1326; 16/12/1988, J.1331; 23/5/1989, J.1682; 15/8/89, J.1930; 28/5/1991, J.1053; 20/8/1991, J.1395; 18/5/1993, J.178; 31/8/1993, J.412; 6/9/1993, J.459; 23/3/1994, J.1472; 8/2/1995, J.2909; 29/6/1995, J.3585; 23/8/1995, J.3668; 6/2/1997, J.1374; 1/9/1997, J.2381; 25/9/1997, J.2517; 2/9/1999, J.1654; 17/2/2000, J.2334; 18/3/2003, J.1577; 4/9/2006, J.2553.

Page 623, footnote, 188 replace, 15/6/2010, J.3535.

Page 623, after paragraph 3 insert, A major focus of the 2010-13 Parliament was on the proposed mining tax, both in its original form as a resources super profits tax and its modified, narrower form as a minerals resource rent tax. Details of revenue estimates and their underlying assumptions were not provided, initially on the basis of commercial confidentiality and potential prejudice to negotiations between private companies. [add footnote, 30/9/2010, J.116, 117, 118, 156.] A select committee was

established on the scrutiny of new taxes and further similar orders were agreed to in relation to the proposed tax, also refused on commercial confidentiality grounds. [add footnote, 30/9/2010, J.119-20, 156; 26/10/2010, J.206, 207,208; 28/10/2010, J.253.]

An order for documents on the fiscal impact of the tax was met with a response indicating that the government, as a matter of course, did not assess or publish medium term forecasts for individual revenue measures given the considerable uncertainty attached to such estimates. [add footnote, 21/6/2011, J.1058; 23/6/2011, J.1113.] An attempt to delay consideration of the legislation (after another order on 1 November 2011, relating to the mining tax and measures linked to it, met with no response) was unsuccessful on 9 February 2012 but a partial response to the order was produced later that day. [add footnote, 1/11/2011, J.1698. The select committee report was tabled on the same day, J.1699. 9/2/2012, J.2076-7, 2092.] Once the mining tax legislation took effect, orders were passed for details of revenue collected on a monthly basis (of continuing effect) and the cost to the budget of state royalty increases (creditable against the mining tax liability) and other tax deductions. [add footnote, 11/9/2012, J.2937; 17/9/2012, J.2995-6.] The latter information was claimed to be commercial in confidence but updated information was foreshadowed in the Mid Year Economic and Fiscal Outlook. [add footnote, 19/9/2012, J.3032.] In relation to the former order, the government reiterated its intention to release monthly updates on the revenue when the data became available. [add footnote, 9/10/2012, J.3077.] However, before the Senate resumed in 2013, the Finance Minister announced that it would not be possible to provide monthly revenue figures because of

the confidentiality provisions in the *Taxation Administration Act 1953* which prevented tax officers providing information about individual taxpayers to the minister, even if it were for the purposes of proceedings in parliament. A subsequent order required the Commissioner of Taxation to produce the information to a committee which he duly did. [add footnote, See Chapter 18, under Orders for production of documents and Chapter 2, under Parliamentary privilege and statutory secrecy provisions.]

A matter of similar controversy in the following Parliament concerned refusals to provide information about the government's border protection activities on grounds of prejudice to national security, defence, international relations and law enforcement operations. The Senate referred the claims of public interest immunity to the Legal and Constitutional Affairs References Committee late in 2013. [That committee recommended that the Procedure Committee re-examine the use of independent arbitration to resolve disputed claims to documents and, in particular, whether the mechanism used by the NSW Legislative Council could be adapted for the Senate.](#) (Add footnote Recommendation adopted, 6/3/2014, J.587.)

Statutory authorities and public interest immunity

Page 623, paragraph 4, end add, The resolution of the Senate of 13 May 2009 envisages that claims of public interest immunity will be made by ministers. The exception to this practice concerns statutory authorities and office-holders who are not subject to direction and control by the executive government in their day to day operations, but who are nonetheless accountable to the Senate for their expenditure of public funds. Since the passage of the

2009 resolution, there has been a degree of acceptance that it is appropriate for such officers to make public interest immunity claims directly, where it would not be appropriate for a minister to do so because of the relationship (or lack thereof) between the authority and the minister.

Page 623, after paragraph 6 insert, In 2012, the question arose whether it was appropriate for the Official Secretary to the Governor-General (a statutory office-holder under the Governor-General Act 1974) to make a claim of public interest immunity, rather than a minister. Advice was given that it would be more consistent with Senate practice and constitutional principle for the Official Secretary to offer any claim directly to the committee, rather than a minister of state making the claim on his behalf. The advice was consistent with a position tacitly adopted by the Procedure Committee in its Fourth Report of 2009. In the event, no such claim was made. [add footnote, Finance and Public Administration Legislation Committee, supplementary budget estimates hearing, 15/10/2012, p. FPA61; answers to questions taken on notice, including correspondence from the Leader of the Government in the Senate to the chair of the committee, dated 27 November 2012. Procedure Committee, Fourth report of 2009, PP 320/2009, p. 2.]

Other jurisdictions

Page 626, paragraph 1, end add, After a preliminary hearing the matter did not proceed.

Page 626, footnote, 199 add, and to the Legal and Constitutional Affairs References Committee in its inquiry into a claim of public interest immunity relating to border protection activities.

Effect of prorogation and of the dissolution of the House of Representatives on the Senate

Page 646, paragraph 2 add, (as was the case until 1991 in the Icelandic parliament and in the Norwegian parliament until 2009)

Chapter 20 – Relations with the judiciary

Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012

Page 683, paragraph 3 replace:

The Parliamentary Commission of Inquiry Act 1986, as this chapter has suggested, had serious defects. Apart from the question of its constitutionality, the Commission had features that should not be followed in the future, particularly the provision for hearing evidence in private and for withholding evidence from the Houses. Over the years, several private members' and senators' bills were introduced proposing the establishment of a standing body to assess the conduct of judges and report to both Houses. In 2012, a bill to provide for the appointment of parliamentary commissions to inquire into allegations of judicial misbehaviour or incapacity and provide information to the Houses was introduced by the government and passed following an inquiry by the Legal and Constitutional Affairs Legislation Committee which led to several amendments.

The Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012 has the following features:

- it provides a standard mechanism for the investigation of allegations of misbehaviour or incapacity concerning federal judicial officers by providing for the establishment of

parliamentary commissions to investigate specified allegations and gather information and evidence to inform the Houses in the performance of their constitutional role under section 72;

- it provides for commissions to be established by resolution of each House to investigate specified allegations when they arise;
- commissions do not determine whether facts are proved and do not make recommendations about the removal of judges;
- threshold questions such as the meaning of “misbehaviour” and the standard of proof to be applied are left to the Houses to determine;
- serving Commonwealth, State or Territory judicial officers are not eligible to be appointed as members of a commission but at least one member of a commission must be a former such officer;
- members of commissions, including the presiding member, are appointed by resolution of each House, but only after being nominated by the Prime Minister who is to consult the Leader of the Opposition in the House of Representatives;
- commissions are required to conduct investigations in an inquisitorial rather than adversarial manner and in accordance with the rules of natural justice;
- hearings are to be held in public but may be held in private at the commission’s discretion;
- other inquiry powers of commissions include the power to require witnesses to appear at hearings, take evidence an oath, require production of documents or things, and issue search warrants;
- current and former Commonwealth judicial officers are exempt from the application of a commission’s coercive powers;
- reasonable costs of the Commonwealth judicial officer who

is the subject of the investigation are to be covered by the Commonwealth;

- commissions are to report to each House and may provide the Presiding Officers with sensitive reports which are not to be tabled, but which are to be available for inspection by members and senators and the Commonwealth judicial officer who is the subject of the investigation.

While the 2012 law made some attempt to address the flaws of the 1986 law, it nonetheless introduced some further difficulties, all of which were alluded to in evidence given to the Legal and Constitutional Legislation Committee's inquiry into the bill and most of which had been encountered during previous consideration of these matters. The non-compellability of Commonwealth judicial officers was seen as limiting the effectiveness of commissions, on the one hand, but essential to the independence of judges appointed under Chapter III, on the other. The potential abridgement of the rights of a judge under investigation by the use of a joint investigatory mechanism, and the avoidance of such vexed questions as the meaning of "misbehaviour" or the appropriate standard of proof, led some to conclude that the mechanism would be feasible only in the most uncontentious circumstances. From the point of view of the rights of the Senate, the domination by the executive, and alternative executive, in the House of Representatives of the process for nominating members of a commission detracts from the characterisation of commissions as parliamentary bodies.

The Houses are not bound to follow the mechanism established by the Act. Its utility will become apparent only when it is tested.

Appendices

Appendix 3 - Committee of Privileges Reports 1966-2014

Report, date tabled	Reference	Findings, recommendations, action by Senate
<p>151st Report: <i>Possible imposition of a penalty on, or interference with, a witness before the Rural Affairs and Transport References Committee</i>, PP 95/2012</p> <p>Tabled 22/3/2012, J.2370</p>	<p>Referred by Senate: President determined precedence 16/8/2011; motion moved by Senator Kroger on behalf of Senator Heffernan and agreed to 17/8/2011, J.1257</p>	<p>Findings</p> <ul style="list-style-type: none"> • no contempt should be found <p>Action by Senate</p> <ul style="list-style-type: none"> • adopted by 23/8/2012, J.2887
<p>152nd Report: <i>Possible unauthorised disclosure of the draft report of the Select Committee on Electricity Prices</i>, PP 111/2013</p> <p>Tabled 14/05/2013, J.3894-5</p>	<p>Referred by Senate: President determined precedence 20/11/2012, J.3312 Motion moved by Senator Thistlethwaite and agreed to 21/11/2012, J.3343-4</p>	<p>Recommendations: that no contempt be found in respect of the matter referred</p> <p>Action by Senate</p> <ul style="list-style-type: none"> • report adopted 4/3/2014, J.530
<p>153rd Report: <i>Guidance for Officers giving evidence and providing information</i>, PP 204/2013</p> <p>Tabled 24/6/2013, J.4150</p>	<p>Referred by Senate: Advisory report; motion moved by Senator Parry at the request of the Chair of the Privileges Committee and agreed to 21/3/2011, J.700</p>	<p>Action by Senate</p> <ul style="list-style-type: none"> • motion to note report lapsed at the end of the 43rd Parliament

Report, date tabled	Reference	Findings, recommendations, action by Senate
<p>154th Report: <i>Persons referred to in the Senate: Ms Deborah Hegarty and Mr Peter Ross Hegarty</i>, PP 205/2013</p> <p>Tabled 24/6/2013, J.4150</p>	<p>Referred by President: 20/6/2013</p>	<p>Recommendation</p> <ul style="list-style-type: none"> • that response be incorporated in Hansard <p>Action by Senate</p> <ul style="list-style-type: none"> • report adopted 24/6/2013, J.4150
<p>155th Report: <i>Person referred to in the Senate: Father Frank Brennan SJ AO</i>, PP 473/2013</p> <p>Tabled 12/12/2013, J.390</p>	<p>Referred by President: 10/12/2013</p>	<p>Recommendation</p> <ul style="list-style-type: none"> • that response be incorporated in Hansard <p>Action by Senate</p> <ul style="list-style-type: none"> • report adopted 12/12/2013, J.390
<p>156th Report: <i>Person referred to in the Senate: Mr Bernard Collaery</i>, PP 123/2014</p> <p>Tabled 15/5/2014, J.831</p>	<p>Referred by President: 15/4/2014</p>	<p>Recommendation</p> <ul style="list-style-type: none"> • that response be incorporated in Hansard <p>Action by Senate</p> <ul style="list-style-type: none"> • report adopted 15/5/2014, J.831
<p>157th Report: <i>Person referred to in the Senate: Professor Simon Chapman AO</i>, PP 140/2014</p> <p>Tabled 14/7/2014, J.1156</p>	<p>Referred by President: 24/6/2014</p>	<p>Recommendation</p> <ul style="list-style-type: none"> • that response be incorporated in Hansard <p>Action by Senate</p> <ul style="list-style-type: none"> • report adopted 14/7/2014, J.1156
<p>158th Report: <i>Person referred to in the Senate: Ms Heather Sculthorpe</i>, Tasmanian Aboriginal Centre Inc, PP 192/2014</p> <p>Tabled 2/10/2014, J.1596</p>	<p>Referred by President: 1/10/2014</p>	<p>Recommendation</p> <ul style="list-style-type: none"> • that response be incorporated in Hansard <p>Action by Senate</p> <ul style="list-style-type: none"> • report adopted 2/10/2014, J.1596

Report, date tabled	Reference	Findings, recommendations, action by Senate
159th Report: <i>Persons referred to in the Senate: Mr Alan Manly and Ms Jennifer McCarthy, Group Colleges</i> Australia, PP 424/2014 Tabled 2/12/2014, J.1947	Referred by President: 14/11/2014	Recommendation Action by Senate <ul style="list-style-type: none"> • that response be incorporated in Hansard • report adopted 2/12/2014, J.1947
160th Report: <i>The use of CCTV material in Parliament House,</i> PP 429/2014 Tabled 5/12/2014, J.2019	Senate: President determined precedence 17/6/2014, J.882 Joint motion moved by the Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi) and Senator Faulkner and agreed to 18 June 2014	Recommendations: <ul style="list-style-type: none"> • No contempt should be found. • The Presiding Officers should develop a new CCTV Code of Practice emphasising accountability and appropriate regard for the powers and immunities of the Houses and their members. • That the administrators of the CCTV system and similar systems acquaint themselves with the principles of privilege. • That misleading evidence by the Secretary, DPS be drawn to the attention of the Finance and Public Administration Legislation Committee.

Appendix 4 – Matters of Privilege raised and rulings of the President

Date, Journal reference	Senator	Subject	Ruling regarding determination of precedence
21/11/2012, J.3343	Thistlethwaite, Former Chair of the Select Committee on Electricity Prices	Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices	Given

17/6/2014, J.882	Bernardi, Chair of the Finance and Public Administration Legislation Committee, and Faulkner	Whether the use of CCTV images might improperly interfere with the free performance of any senators' duties; and, whether disciplinary action was taken against a person for providing information to a senator.	Given
10/7/2014, J.1117	Xenophon	Whether there was any imposition of a penalty on a witness before the Rural and Regional Affairs and Transport References Committee or of a person providing information to the committee.	Given
16/7/2014, J.1197	Heffernan, Chair of the Rural and Regional Affairs and Transport Legislation Committee, and Sterle, Chair of the Rural and Regional Affairs and Transport References Committee	Whether there was any imposition of a penalty on a witness before the Rural and Regional Affairs and Transport Legislation or References Committees or on a person providing information to the committees.	Given

Appendix 5

Private senators' bills passed since 1901

Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011 [previously Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010]

Purpose: To amend the Australian Capital Territory (Self-Government) Act 1988 and Northern Territory (Self-Government) Act 1978 to remove the Governor-General's power to disallow or recommend amendments of any laws made by the legislative assemblies of those territories.

Senate: Introduced by Senator Bob Brown 29/9/10; passed with amendments and read a third time 18/8/11.

HoR: Introduced 22/8/11; read a third time 1/11/11.

Assent: 4/12/11; Act no. 166 of 2011.

Low Aromatic Fuel Bill 2012

Purpose: To mitigate the negative impacts of petrol sniffing in areas designated as low aromatic fuel areas and fuel control areas.

Senate: Introduced by Senator Siewert 1/3/12; passed with amendments and read a third time 27/11/12.

HoR: Introduced 28/11/12; read a third time 6/2/13.

Assent: 14/2/13; Act no. 1 of 2013 (Act cited as Low Aromatic Fuel Act 2013).

Parliamentary Service Amendment Bill 2013 [previously Parliamentary Service Amendment Bill 2012]

Purpose: To amend the Principal Act to make certain changes to the framework of the Parliamentary

Service.

Senate: Introduced by Senator Hogg 28/11/12; read a third time 7/2/13.

HoR: Introduced 11/2/13; read a third time 13/2/13.

Assent: 1/3/13; Act no. 4 of 2013.

Private senators' bills which have passed the Senate since 1901

Low Aromatic Fuel Bill 2012

Introduced by: Senator Siewert

Date passed by Senate: 27 November 2012

Remove last entry relating to Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011

Marine Engineers Qualifications Bill 2013 (No. 2)

Introduced by: Senator Williams

Date passed by Senate: 27 June 2013

Appendix 6 – List of bills in which the Senate has made requests for amendments and results of such requests, 1901-2013

HRD page(s) on which Senate requests appear	Date	Title of Bill and Nature of Request	How Disposed Of
1960	9/12/13	Commonwealth Inscribed Stock Amendment Bill 2013 — House of Representatives disagreed to an earlier amendment/ One requested amendment to remove the limit on stock and securities on issue under the Treasurer's standing borrowing authority made in place of the earlier amendment (both a request and further amendments were made to this bill)	Requested amendment made
-	24/11/14	Business Services Wage Assessment Tool Payment Scheme Bill 2014 — One requested amendment to provide payments for certain actions and activities relating to the administration of the Business Services Wage Assessment Tool payment scheme from the Consolidated Revenue Fund; and two consequential requested amendments (both requests and amendments were made to this bill)	Bill, as amended, subject to requests, negated in committee of the whole

Appendix 7 – Casual vacancies in the Senate

VACANCY			APPOINTMENT		
Senator	Reason for Vacancy	Date	Senator	How Appointed	Date
Sherry, N	Resignation	01/06/12	Thorp, L E	Tas Parliament	20/6/12
Brown, R J	“	15/06/12	Whish-Wilson, P S	Tas Parliament	20/6/12
Fisher, MJ	“	14/8/12	Ruston, A S	SA Parliament	5/9/12
Evans, CV	“	12/4/13	Lines, S	WA Parliament	15/5/13
Joyce, BT	“	8/8/13			
Thistlethwaite, MJ	“	9/8/13	Dastyari, S	NSW Parliament	21/8/13
Feeney, DI	“	12/8/13	Tillem, M	Vic Parliament	21/8/13
Carr, RJ	“	24/10/13	O'Neill, D	NSW Parliament	13/11/13
			O'Neill, D	NSW Parliament	2/7/14

[add footnote, RJ Carr resigned from current term and also in respect of term commencing on 1

July 2014 to which he had been elected.]

Appendix 8 – Committees on which senators served 1970-2013

Year	Domestic	Estimates	Legislative Scrutiny	Legislative and General Purpose	Select	Joint	Total
2013	8	0	2	16	4	23	53
2014	8	0	2	16	6	19	51

Appendix 9 – Select Committees

Senate Select Committees:

Australia's Food Processing Sector (Report — PP 208/2012)

Electricity Prices (Report — PP 407/2012)

Cyber Safety

Abbott Government's Commission of Audit (Reports — PP 27/2014, 113/2014 and 131/2014)

Abbott Government's Budget Cuts

Abbott Government's Commission of Audit (Reports — PP 27/2014, 113/2014 and 131/2014)

Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs

Cyber Safety (Report — PP 271/2013)

Health (Report — PP 426/2014)

National Broadband Network (Report — PP 50/2014)

School Funding (Report — PP 139/2014)

Joint Select Committees:

Australia's Immigration Detention Network (Reports — PP 265/2011 and 122/2012)

Gambling Reform (Reports — PP 85/2011, 214/2011, 215/2011, 4/2012, 261/2012, 445/2012, 198/2013 and 206/2013)

Constitutional Recognition of Local Government (Reports — PP 18/2013 and 65/2013)

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (Reports — PP 26/2013 and 218/2013)

Broadcasting Legislation (Reports — PP 193/2013)

Cyber Safety (Reports — PP 244/2013)

DisabilityCare Australia*

Northern Australia

Australia Fund Establishment

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (Reports — PP 149/2014 and 220/2014)

National Disability Insurance Scheme (Report — PP 161/2014)

Northern Australia (Reports — PP 92/2014 and 194/2014)

Trade and Investment Growth

* A Joint Standing Committee on the National Disability Insurance Scheme was appointed in the 44th Parliament with the power to consider and make use of the evidence and records of the former Joint Select Committee on DisabilityCare Australia.

Appendix 10 – A chronology of the Senate

Date	Event
25 November 2009	Modified rules for questions without notice adopted on a temporary basis. Answers required to be 'directly relevant' to the question.

27 November 2012 Terms of reference of Appropriations and Staffing Committee amended to allow joint meetings with a similar committee of the House of Representatives for oversight of administration and funding of parliamentary ICT.
